

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MORRIS MANOPLA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:19-cv-00992-BMC
)	
EXPERIAN, EQUIFAX, TRANSUNION,)	
and MR. COOPER aka NATIONWIDE)	
MTG LLC,)	
)	
Defendant(s).)	
)	
)	

DECLARATION IN SUPPORT OF
EXPERIAN INFORMATION SOLUTIONS, INC.'S
MOTION FOR ATTORNEYS' FEES

I, KERIANNE TOBITSCH, make this declaration pursuant to 28 U.S.C. § 1746 and state the following under penalty of perjury:

1. I am an attorney with the firm of Jones Day, attorneys for defendant Experian Information Solutions, Inc. ("Experian").
2. I submit this Declaration in support of Experian's Motion for Attorneys' Fees.
3. This declaration and the attached exhibits itemize attorneys' fees of \$16,050 that Experian is requesting. This declaration also attaches certain exhibits referenced in the accompanying memorandum of law.

Attorneys' Fees

4. Experian seeks to recover \$16,050 in attorneys' fees for time spent on this matter by a senior attorney (Chris Lopata), a senior associate (myself), and a project assistant (Daniel Velez).

5. Chris Lopata is Of Counsel in Jones Day's New York office. Mr. Lopata has been litigating cases for 22 years. Mr. Lopata regularly appears in actions related to consumer credit reporting, and has more than 10 years of experience litigating in federal and state courts throughout the country as part of Jones Day's national representation of Experian. A copy of Mr. Lopata's profile, printed from the law firm website, is included in **Exhibit 1**. In this motion, Experian has reduced its request to \$400 per hour for Mr. Lopata's time.

6. I (Kerianne Tobitsch) am a seventh year Associate in Jones Day's New York office. I have litigated more than a dozen Fair Credit Reporting Act cases on behalf of Experian as part of Jones Day's national representation of Experian. A copy of my profile, printed from the law firm website, is included in **Exhibit 1**. In this motion, Experian has reduced its request to \$200 per hour for my time.

7. Daniel Velez is a project assistant with 3 years of experience managing dozens of FCRA cases. In this motion, Experian has reduced its request to \$100 per hour for Mr. Velez's time.

8. Attached as **Exhibit 2** are true and correct copies of the time entries I obtained for the attorneys and project assistant staffed on this case. These time entries, for which Experian is seeking attorneys' fees, are excerpted and typed in a separate document for the Court's convenience. Each of the entries in Exhibit 2 are an accurate, non-privileged description of the work performed. The entries in Exhibit 2 are based on the contemporaneous time entry recorded and discussions with the timekeeper responsible for making the time entry. The descriptions for some of the time entries in Exhibit 2 have been revised to remove confidential or privileged information. Any such revisions were revised with and approved by the attorney or project assistant who recorded the original hours to ensure accuracy.

9. Jones Day maintains computerized records of the time spent by attorneys and project assistant in connection with this matter. The time records delineate the amount of time spent by each attorney and the nature of the services rendered. Attached as **Exhibit 3** are true and correct copies of the relevant pages of Jones Day's computerized time records. These records have been redacted on the basis of relevance to the instant motion as well as pursuant to attorney-client privilege and work product. These materials are available to the Court in unredacted form for in camera review upon the Court's request.

10. The time entries in Exhibits 2 and 3 include time spent preparing the pre-motion conference letter, the memoranda of law to brief the summary judgment motion, Experian's Rule 56.1 statement of undisputed material facts, and declaration in support of its motion.

11. As detailed in Exhibits 2 and 3, the total number of hours for the time entries for which Experian is seeking fees is 61.9 hours at rates ranging from \$100 to \$400, as follows:

<u>Attorney or Project Assistant</u>	<u>Hours</u>	<u>Rate</u>	<u>Hours x Rate Total</u>
Christopher Lopata (Of Counsel)	20	\$400	\$8,000
Kerianne Tobitsch (Associate)	38.6	\$200	\$7,720
Daniel Velez (Project Assistant)	3.3	\$100	\$330
TOTAL	61.9	-	\$16,050

Exhibits Referenced in Memorandum of Law

12. Attached as **Exhibit 4** is a true and correct copy of the transcript of the hearing held by the Court in this matter on April 10, 2019.

13. Attached as **Exhibit 5** is a true and correct copy of the transcript of the oral argument held by the Court in this matter on September 4, 2019.

14. Nationstar produced documents related to Plaintiff's account on September 9, 2019 and September 24, 2019. These documents include mortgage loan statements between August 17, 2017 and August 1, 2018, transaction history, correspondence between Plaintiff and Nationstar, and a loan modification agreement. Experian is attaching a portion of Nationstar's production in support of its motion for summary judgment. The remainder of the production is available for review by the Court upon the Court's request.

15. Attached as **Exhibit 6** is a true and correct copy of the relevant pages of the mortgage loan statement dated August 17, 2017, as produced by Nationstar except for redactions made to comply with ECF filing rules.

16. Attached as **Exhibit 7** is a true and correct copy of the mortgage loan statement dated June 19, 2018, as produced by Nationstar except for redactions made to comply with ECF filing rules.

17. Attached as **Exhibit 8** is a true and correct copy of a signed letter from Plaintiff to Nationstar dated October 23, 2017, as produced by Nationstar except for redactions made to comply with ECF filing rules.

18. Attached as **Exhibit 9** is a true and correct copy of a letter from Nationstar to Plaintiff dated April 18, 2018, as produced by Nationstar except for redactions made to comply with ECF filing rules.

19. Attached as **Exhibit 10** is a true and correct copy of a letter from Nationstar to Plaintiff dated June 18, 2018, as produced by Nationstar except for redactions made to comply with ECF filing rules.

20. I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 25, 2019
New York, New York

Respectfully submitted,

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